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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,573	12/20/2001	Edward E. Lipscomb	87354.2681	3785

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WASHINGTON, DC 20036-5304

EXAMINER

DOLE, TIMOTHY J

ART UNIT	PAPER NUMBER
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2858

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/022,573		LIPSCOMB ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Timothy J. Dole		2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 13, 2004 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8-13 and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Frankovitch, Jr. et al.

Referring to claims 1, 8 and 15, Frankovitch, Jr. et al. discloses an oscilloscope adapter for a portable stand-alone electronic device, comprising: a removable module (fig. 1 (10)) adapted to interface with a hardware interface port of a portable stand-alone electronic device wherein the removable module is mated to the stand-alone electronic device to form a unitary device, the stand-alone electronic device having a processor and a display (column 26, lines 23-33), the module including a computer program memory,

the memory storing computer program instructions thereon to direct the processor to perform the steps of: collecting data representative of a signal from an external source; and displaying the data on the display as a waveform comprising individual data values as a function of time on a graph having a vertical axis and a horizontal axis, each axis having a scale (column 7, line 58 – column 8, line 14 and column 26, line 26). It should be noted that the portable stand-alone electronic device is a personal computer and the hardware interface is through a serial interface (column 26, lines 23-25).

Referring to claims 2, 9, 16 and 17, Frankovitch, Jr. et al. discloses the adapter as claimed wherein the adapter further includes a database of model waveforms (column 7, line 58 – column 8, line 14), and the instructions further direct the processor to display a model waveform from the database on the display (column 26, lines 23-58).

Referring to claims 3, 10, 18 and 19, Frankovitch, Jr. et al. discloses the adapter as claimed wherein the adapter further includes a database of collected waveform data (column 18, line 65 – column 19, line 7), and the instructions further direct the processor to store the data representative of the signal in the database of collected waveform data (column 26, lines 23-58).

Referring to claims 4 and 11, Frankovitch, Jr. et al. discloses the adapter as claimed wherein the adapter or the portable stand-alone electronic device contains a buffer, and the instructions further direct the processor to store the data representative of the signal in the buffer (column 26, lines 23-58).

Referring to claims 5 and 12, Frankovitch, Jr. et al. discloses the adapter as claimed wherein the instructions further direct the processor to provide an electronic

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device input that, when activated by a user, allows the user to adjust the scale of one or both of the vertical axis and the horizontal axis (column 6, line 44 – column 7, line 5 and column 26, lines 29-30).

Referring to claims 6 and 13, Frankovitch, Jr. et al. discloses the adapter as claimed wherein the electronic device input that allows the user to adjust one or both scales is displayed on a setup screen (column 16, lines 56-62 and column 26, lines 29-30).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankovitch, Jr. et al. in view of Alexander et al.

Referring to claims 7 and 14, Frankovitch, Jr. et al. discloses the adapter as claimed except wherein the adapter further includes a language database containing data representative of words in a plurality of languages and the method comprises the additional steps of translating text and displaying the translated text on the display.

Alexander et al. discloses a system wherein the display means includes a language database containing data representative of words in a plurality of languages (column 59, lines 54-56).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to incorporate the plurality of languages of Alexander et al. into the device of Frankovitch, Jr. et al. for the purpose of making the device useful in all parts of the world whereby increasing the industrial applicability of the device.

### ***Response to Arguments***

6. Applicant's arguments filed May 13, 2004 have been fully considered but they are not persuasive.

7. In response to Applicants argument with respect to claims 1, 8 and 15, that Frankovitch, Jr. et al. does not teach a "removable module adapted to interface with a hardware interface port of the portable stand alone electronic device wherein the removable module is mated to the stand alone device to form a unitary device" (page 7, lines 12-14), it should be noted that the removable module (fig. 1 (10)) of Frankovitch, Jr. et al. interfaces with the portable stand alone device by means of a serial interface (column 26, lines 23-24), and the removable module is considered to be mated to the stand alone device by the same serial interface to form a unitary device. The mated device can be referred to as a unitary device since all the functionality of the removable module can be controlled by the portable stand alone device (column 26, lines 23-33).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Dole whose telephone number is (571) 272-2229. The examiner can normally be reached on Mon. thru Fri. from 8:00 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on (571) 272-2233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJD

TJA J. Mc

Anjan Deb

**ANJAN DEB  
PRIMARY EXAMINER**